

United States District Court  
Eastern District of California

David C. Rivers,

Plaintiff,

vs.

E. Roszko, et al.,

Defendants.

No. Civ. S 04-2524 GEB PAN P

Order

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November 29, 2004, plaintiff filed a civil rights complaint and an application to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. Plaintiff was a prisoner when he filed but is now at liberty.

Plaintiff's affidavit demonstrates that, because of poverty, he cannot pay or give security for court costs and still be able to provide himself with the necessities of life. See Adkins v. E.I. Dupont de Nemours & Co., 335 U.S. 331, 339 (1948).

1 Accordingly, plaintiff's application is granted.

2 Plaintiff shall provide the United States Marshal with  
3 complete, current service instructions, summonses, and sufficient  
4 copies of the complaint pursuant to Federal Rule of Civil  
5 Procedure 4(c) so the Marshal may effect service within the time  
6 required by Federal Rule of Civil Procedure 4(m). The Marshal  
7 shall then serve process upon defendants pursuant to plaintiff's  
8 instructions without payment of fees or expenses therefor. See  
9 28 U.S.C. § 1915(d)

10 So ordered.

11 Dated: April 26, 2005.

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13 /s/ Peter A. Nowinski  
14 PETER A. NOWINSKI  
15 Magistrate Judge  
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